

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IOWA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM, *et al.*,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

Case No. 17-cv-6221 (KPF)

Hon. Katherine Polk Failla

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF THE
SETTLEMENT AGREEMENT WITH CREDIT SUISSE**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the Declaration of Daniel L. Brockett and the exhibits attached thereto, and the record herein, Plaintiffs, by and through their undersigned counsel, will respectfully move this Court, before the Honorable Katherine Polk Failla, United States District Judge for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, at a date and time to be determined by this Court, for entry of the proposed order preliminarily approving the Settlement Agreement between Plaintiffs and Credit Suisse Group AG, Credit Suisse AG, Credit Suisse Securities (USA) LLC, Credit Suisse First Boston Next Fund, Inc., and Credit Suisse Prime Securities Services (USA) LLC pursuant to Rule 23 of the Federal Rules of Civil Procedure, certifying the Settlement Class, and appointing Class Counsel and Class Representatives for the Settlement Class. This [Proposed] Preliminary Approval Order has been agreed to by Plaintiffs and the Defendants Credit Suisse Group AG, Credit Suisse

AG, Credit Suisse Securities (USA) LLC, Credit Suisse First Boston Next Fund, Inc., and Credit Suisse Prime Securities Services (USA) LLC, and consists of:

- (1) preliminarily approving the settlement set forth in the Settlement Agreement;
- (2) preliminarily certifying the following Settlement Class for purposes of settlement only:

All Persons or entities who, directly or through an agent, entered into Stock Loan Transactions¹ with the Prime Broker Defendants,² direct or indirect parents, subsidiaries, or divisions of the Prime Broker Defendants, or the Released Credit Suisse Parties,³ in the United States from January 7, 2009 through the Execution Date⁴ (the “Settlement Class Period”), inclusive. Excluded from the Settlement Class are Defendants and their employees, affiliates, parents, subsidiaries, and co-conspirators, should any exist, whether or not named in the Amended Complaint, entities which previously requested exclusion from any Class in this Action,⁵ the United States Government, and all of the Released Credit Suisse Parties, provided, however, that Investment Vehicles⁶ shall not be excluded from the definition of the Settlement Class.

¹ “Stock Loan Transaction” means any transaction, including any transaction facilitated by a prime broker or agent lender, in which an owner of a stock temporarily lends the stock in exchange for collateral or in which a borrower of a stock provides collateral to temporarily borrow a security, and in which the stock is ultimately returned to the lender at a later date, at which time the lender returns the collateral to the borrower. “Stock Loan Transactions” do not include non-equity securities lending or stock repurchase (repo) transactions.

² “Prime Broker Defendants” means Settling Defendants and Bank of America Merrill Lynch, Goldman Sachs, Morgan Stanley, JPMorgan, and UBS, including affiliates named in the Amended Complaint (ECF No. 73).

³ The “Released Credit Suisse Parties” means Settling Defendants and each of their respective past or present direct and indirect parents (including holding companies), subsidiaries, affiliates, associates (all as defined in SEC Rule 12b-2, promulgated pursuant to the Securities Exchange Act of 1934, as amended), divisions, joint ventures, predecessors, successors, and each of their respective past, present, and future officers, directors, managers, members, partners, shareholders, insurers, employees, agents, attorneys, legal or other representatives, trustees, heirs, executors, administrators, advisors, and assigns, and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing.

⁴ The “Execution Date” is January 20, 2022.

⁵ These entities are Citadel LLC, Two Sigma Investments, PDT Partners, Renaissance Technologies LLC, TGS Management, Voloridge Investment Management, and the D.E. Shaw Group and their corporate parents, subsidiaries, and wholly owned affiliates.

⁶ “Investment Vehicles” means any investment company or pooled investment fund, including, but not limited to: (i) mutual fund families, exchange-traded funds, fund of funds and hedge funds, in which a Defendant has or may have a direct or indirect interest, or as to which its

- (3) preliminarily appointing Quinn Emanuel Urquhart & Sullivan, LLP and Cohen Milstein Sellers & Toll PLLC as Co-Lead Counsel for the Settlement Class;
- (4) preliminarily appointing Plaintiffs as class representatives for the Settlement Class;
- (5) ordering that Plaintiffs shall, at a later practicable date, submit for the Court's approval a proposed Plan of Allocation of the Settlement Amount and a proposed notice plan;
- (6) preliminarily approving Epiq Class Action & Claims Solutions, Inc. as Settlement Administrator, the Huntington National Bank as Escrow Agent and preliminarily approving certain administrative expenses to be paid as agreed to by the parties in the Settlement Agreement;
- (7) preliminarily approving the establishment of escrow accounts under the Settlement Agreement as Qualified Settlement Funds;
- (8) staying all proceedings in the action with respect to the Settling Defendants; and
- (9) granting such other and further relief as the Court deems just and proper.

affiliates may act as an investment advisor, but of which a Defendant or its respective affiliates is not a majority owner or does not hold a majority beneficial interest, and (ii) any Employee Benefit Plan as to which a Defendant or its affiliates acts as an investment advisor or otherwise may be a fiduciary.

DATED: February 11, 2022

Respectfully submitted,

**COHEN MILSTEIN SELLERS &
TOLL PLLC**

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

By: /s/ Michael B. Eisenkraft

Michael B. Eisenkraft
Christopher J. Bateman
David O. Fisher
88 Pine Street, 14th Floor
New York, New York 10005
Telephone: (212) 838-7797
meisenkraft@cohenmilstein.com
cbateman@cohenmilstein.com
dfisher@cohenmilstein.com

Julie G. Reiser (*pro hac vice*)
Richard A. Koffman (*pro hac vice*)
Kit A. Pierson (*pro hac vice*)
Emmy L. Levens (*pro hac vice*)
Daniel McCuaig (*pro hac vice*)
Robert W. Cobbs (*pro hac vice*)
1100 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 408-4600
jreiser@cohenmilstein.com
rkoffman@cohenmilstein.com
kpierson@cohenmilstein.com
elevens@cohenmilstein.com
dmccuaig@cohenmilstein.com
rcobbs@cohenmilstein.com

SAFIRSTEIN METCALF LLP

Peter Safirstein
1345 Avenue of the Americas, 2nd Floor
New York, New York 10105
Telephone: (212) 201-2845
psafirstein@safirsteinmetcalf.com

Counsel for Plaintiffs

By: /s/ Daniel L. Brockett

Daniel L. Brockett
Sascha N. Rand
Steig D. Olson
Deborah K. Brown
Daniel P. Mach
David LeRay
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
danbrockett@quinnemanuel.com
sascharand@quinnemanuel.com
steigolson@quinnemanuel.com
deborahbrown@quinnemanuel.com
danielmach@quinnemanuel.com
davidleray@quinnemanuel.com

Jeremy D. Andersen (*pro hac vice*)
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
jeremyandersen@quinnemanuel.com